

Henry C. Su (SBN 211202; suh@howrey.com)
 Katharine L. Altemus (SBN 227080; altemusk@howrey.com)
 HOWREY LLP
 1950 University Avenue, 4th Floor
 East Palo Alto, California 94303
 Telephone: (650) 798-3500
 Facsimile: (650) 798-3600

Robert Ruyak
 Matthew Wolf
 Marc Cohn
 HOWREY LLP
 1229 Pennsylvania Avenue, NW
 Washington, DC 20004
 Telephone: (202) 783-0800
 Facsimile: (202) 383-6610

Attorneys for Plaintiffs
 HOLOGIC, INC., CYTYC CORPORATION and HOLOGIC LP

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

HOLOGIC, INC., CYTYC CORPORATION,
 and HOLOGIC L.P.,

Plaintiffs,

vs.

SENORX, INC.,

Defendant.

Case No. C08 00133 RMW (RS)

**DECLARATION OF KATHARINE L.
 ALTEMUS IN SUPPORT OF PLAINTIFFS'
 MOTION TO SHORTEN TIME ON
 PLAINTIFFS' MOTION TO COMPEL**

Date: No hearing requested
Judge: Hon. Richard Seeborg

AND RELATED COUNTERCLAIMS.

I, Katharine L. Altemus, declare as follows:

1. I am an associate in the law firm Howrey LLP and a member of the Bar of this court. I serve as one of the outside counsel for Hologic, Inc., Cytyc Corporation and Hologic LP (collectively "Plaintiffs" or "Hologic"). The following declaration is based on my personal knowledge, and if called upon to testify, I could and would competently testify as to the matters set forth herein.

2. Hologic seeks to shorten the time under the Civil Local Rules for the briefing of its Motion to Compel Responses To Certain Interrogatories and to waive the requirement of a hearing. (Doc. No. 44). That Motion seeks to compel Defendant SenoRx, Inc. ("SenoRx") to respond completely and fully to Interrogatories Nos. 1-3, served by Hologic on March 4, 2008.

3. At the February 29, 2008 case management conference, the Court continued the hearing on Hologic's Motion for Preliminary Injunction from the noticed date of March 28, 2008 to April 21, 2008. In conjunction with that case management conference, the parties, through their counsel, agreed to respond within a shortened period of time (10 days) to each other's Interrogatories aimed at eliciting information relevant and necessary for each party to prepare for the scheduled April 21, 2008 Preliminary Injunction hearing. Notwithstanding that agreement, SenoRx has, in its Objections and Responses served on March 14, 2008, refused to answer Hologic's Interrogatories Nos. 1-3 until it has filed its Opposition to the Motion for Preliminary Injunction, which is due on March 28, 2008. SenoRx has objected to these Interrogatories as premature and as conflicting with the briefing schedule agreed upon by the parties.

4. Hologic seeks to shorten the time on its Motion to Compel because SenoRx's Opposition to the Motion for Preliminary Injunction is not due until March 28, 2008, and the Preliminary Injunction hearing is scheduled for April 21, 2008. SenoRx's refusal to completely and fully respond to the Interrogatories deprives Hologic of any meaningful opportunity to obtain expedited discovery with respect to SenoRx's contentions and key facts on the Motion for Preliminary Injunction. Moreover, SenoRx's refusal threatens to derail the briefing schedule on the Motion for Preliminary Injunction to which it agreed because Hologic will be left with little or no time to take limited discovery before it has to file its Reply to SenoRx's Opposition.

5. Accordingly, the only way that the discovery and briefing on the Motion for Preliminary Injunction can stay on the schedule agreed upon by the parties and ordered by the Court is if the Court shortens the time for SenoRx to respond to Hologic's Motion to Compel and rules on the issue without a hearing.

6. Hologic asked SenoRx to agree to the requested time change during a meet and confer on March 18, 2008. Hologic proposed that SenoRx agree to an expedited briefing schedule whereby SenoRx would reply to the accompanying motion to compel on or before March 21, 2008. SenoRx agreed in principle to stipulate to shortened time, but refused to agree to any shortened schedule that allocated less than 6 days for SenoRx to file its Opposition to Hologic's Motion To Compel Responses To Certain Interrogatories on March 23, 2008. The parties have not been able to reach an agreement regarding an expedited schedule for resolving Hologic's Motion to Compel. Counsel for SenoRx agreed to waive a hearing on the Motion to Compel if Hologic does not file a reply.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in East Palo Alto, California on March 19, 2008.

/s/
Katharine L. Altemus